

REMARKS

Claims 1-4 stand rejected as obvious under 35 U.S.C. § 103 in view of Mahoney, et al. '227. In particular, the Examiner has pointed to a passage in the '227 patent in which the patentee alleges that the inclusion of a tip that can sustain large deformations enables the hearing aid to navigate the "S-shaped centerline path of an ear canal" (col. 14, lines 30-36). Applicant respectfully submits that the '227 patent only discloses a hearing aid body that can fit in the peritympanic region of "one" ear; either a right ear or a left ear of a typical user, i.e., "one size fits all" but not in either ear of a typical user, i.e., "one size fits all uni ear" as presently claimed in claims 1-4 and newly added claims 19-24.

The distinction has been emphasized at page 5, lines 1-15 and page 8, lines 3-14 of the present application. The ability to provide a "uni ear" body as contrasted with the prior art "one size fits all" device results in the many patentably distinct advantages, such as, the ability to provide only one aid body per customer rather than two, thereby cutting the mold requirements in half. Applicant submits that the Examiners contention at page 4 that the hearing aid of the '227 patent "could be inserted in either side of the ear canal" is simply not practical. It might be jammed in one ear but would be extremely uncomfortable in the opposite ear in view of the reverse S-curve between the right ear and left ear.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Leo Reynolds

Leo R. Reynolds

Registration No. 20,884

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 9/22/03